role they play in our world. Mandatory access rules do not consider the possibility that in a few years new TSPs offering cutting-edge services will be shut out of buildings because unmanaged facilities installations left no room for them. The long-term planning necessary to prevent this occurrence would be impossible for the Commission to perform in each of the hundreds of thousands unique multi-tenant buildings across the country and would be unwisely entrusted to TSPs with interests that lie in the opposite direction—yet it is part of what a multi-tenant building owner does every day.

Even without mandatory access rights, TSPs are currently focusing on gaining access rights to buildings rather than providing services to tenants. This is highlighted by the fact that TSPs regularly inform their shareholders of the number of buildings for which they have signed access agreements; these TSPs, however, rarely disclose how many buildings they are actually serving. Mandatory access will only put more pressure on TSPs to be one of the first through the door, not necessarily one of the best.

4. Mandatory Access will Interfere with the Natural Economic Limitations on TSP Access and Services within Multi-tenant Buildings

In addition to physical constraints, there are also economic limitations on the number of TSP facilities that can be supported within a particular building. It is costly for a TSP to establish a point of presence in a building and to install the facilities necessary to serve the tenants. Accordingly, a TSP that answers to its shareholders must be assured that there is a viable economic opportunity to make a return on its investment. As more TSPs gain access to a particular building, however, the economic opportunity for new entrants is greatly diminished. In the absence of mandatory access rules, the building owner would be able to ensure that the initial TSPs in the building are those that can best serve the needs of the tenants, before the economic restraints become applicable.

Where mandatory access rules are in place, however, the owner has no say in which TSPs are the first through the door and thus runs the risk that the most appropriate TSPs for its tenants will decline to bring their facilities to the building because the telecommunications opportunity in the building is already saturated.

This economic barrier recently presented itself to Cornerstone Properties. Cornerstone has been highly successful in bringing competitive telecommunications services to its tenants. In the present example, Cornerstone previously entered license agreements with at least four separate TSPs in one of its buildings in Denver. Recently, two more TSPs requested access to the same building for their facilities. Cornerstone sought to accommodate them. After inspecting the building, however, the TSPs declined to provide services, in part because the building was already being served by several other TSPs and they did not see a viable economic opportunity for their services. Fortunately, Cornerstone had ensured that the existing TSPs were meeting the telecommunications needs of its tenants. In a mandatory access environment, however, the four TSPs that deterred the entrance of new competitors would be so positioned simply by virtue of their "early bird" status, not based on their ability to best serve the building's tenants.

Likewise, many shared tenant service ("STS") providers claim that a building can only support one such provider and there is simply not a market for multiple STS providers within the same building. Once an STS provider enters a building, an economic barrier will prevent any others from serving the tenants. Accordingly, it is imperative that the building owner has significant input as to which TSPs are serving the

tenants, and not forced to simply rely upon the TSPs that are first in line through mandatory access rights.

5. Mandatory Access would be Contrary to FCC Policy as set out in 47 C.F.R. §68.3

The Commission has established rules allowing building owners to assume control of and responsibility for ILEC inside wire from a demarcation point established at the Minimum Point of Entry ("MPOE") (47 C.F.R. §68.3). One of the goals of section 68.3 is that by making building owners, and not the ILEC, responsible for the inside wires, competitive TSPs would have easier access to those wires. It makes no sense on the one hand to make building owners responsible for the ILECs inside wiring, and on the other hand to mandate that the building owner allow all other competitive TSPs unlimited rights to install, own, and manage additional inside wire in the same building. For this reason, mandatory access rules would be wholly inconsistent with the established inside wire policies articulated through section 68.3. Indeed, in states such as California and Illinois where the ILECs have already declared MPOE under the Commission's rules, it would be fundamentally unfair to building owners who are currently responsible for the inside wire to be forced to allow other TSPs to install duplicative facilities.

B. Service-Based Competition is a Viable Alternative to Ensuring Tenant Choice Among TSPs

Many building owners will continue to allow TSPs to install facilities in building in order to provide services to tenants. Other owners, however, may determine that the best way to promote competition in their buildings is not by allowing each TSP to install their own facilities, but to require all TSPs to share the inside wire facilities. This method of giving tenants access to competitive telecommunications services and TSPs bypasses

the space and economic problems associated with mandatory access. Accordingly, the Commission should also promote service-based competition by unbundling ownership from access rights by requiring TSPs to share the use of their facilities located in multi-tenant buildings with competing TSPs.

1. Service-based Competition Satisfies the Commission's Goals for Promoting Local Competition in Multi-tenant Buildings

As discussed in detail above, despite the growing level of telecommunications competition in multi-tenant buildings, barriers still remain—ILECs' continued demands for unlimited access rights, the narrow target markets of competitive TSPs, and the limited telecommunications spaces and economic opportunity available in buildings. While the first two barriers will likely be overcome as competition in all markets strengthens,[3] one potential barrier—lack of space—will only become greater as more and more TSPs seek facilities-based access to multi-tenant buildings. In the Notice, the Commission touches upon the most viable long-term solution to overcoming these barriers and ensuring that tenants will always have access to the services and TSPs of their choice. It does not, however, go far enough.

Specifically, within §B(3) of the Notice, the Commission asks if the ILEC's inside wires should be unbundled and made available to its competitors. The answer is a qualified yes. Building owners concerned about space limitations (and other issues, such as maintaining security) should have the right to insist that TSPs either use each others' inside wires to gain connectivity to building tenants, or that the TSPs use a neutral

[3] As competition increases, ILECs will no longer have the market strength to demand special treatment and, thus, building owners will have the meaningful ability to require the ILECs to agree to the same terms and conditions for building access as the owners do for other competitive TSPs in their buildings. Likewise, as existing markets mature, competitive TSPs will be looking to new markets for expansion.

cabling platform. Thus, the solution is not only to unbundle the ILEC's inside wires, but for all TSPs to de-couple the ownership and control of the inside telecommunications wires from the right to access tenants over those wires. Under these circumstances, TSPs will be competing not to place their wires in the building but to high quality and low cost services to tenants.

This approach is analogous to the Commission's regulation of pay telephones. Since allowing the registration of coin operated payphones 15 years ago, the Commission has permitted payphone operators ("PPOs") to negotiate exclusive arrangements with premises owners authorizing the PPO to be the sole provider of payphones on the premises. (See *Registration of Coin Operated Telephones under Part 68 of the Commission's Rules and Regulations*, 57 RR 2d 133 (1984)). For example, a PPO is permitted to own all the pay telephones in an airport in exchange for offering the owner of the airport a commission of profits from the pay telephones. The Commission has been careful, however, to ensure that the grant of payphone monopolies by premises owners to PPOs does not limit consumer choice. In a series of decisions in 1991 and 1992, the Commission issued rules requiring PPOs to ensure that consumers are granted "equal access" to all interexchange carriers and operator services providers. (See *Policies and Rules Concerning Operator Service Access and Pay Telephone Compensation*, Report and Order and Further Notice of Proposed Rule Making, 6 FCC Rcd 4736 (1991); Order on Reconsideration, 7 FCC Rcd 4355 (1992); see also 47 C.F.R. § 64.704 (1999)).

This approach permits property owners to negotiate exclusive agreements with a single payphone provider, which facilitates the process for property owners and avoids

the duplication of equipment on owner premises. However, consumers are not shortchanged by this arrangement, since the PPOs are required to "open" their network to permit a payphone customer to access their desired provider.

Thus, in the airport example, while the PPO is granted a monopoly over equipment placement at the airport, in that other PPOs would not be permitted to place their equipment at the airport, consumers are still given an abundance of choice and can select any carrier to handle their needs. In short, the lack of duplicative equipment at the airport does not injure consumer choice. In much the same way, the lack of duplicative inside wiring would not affect a consumer's ability to choose from multiple TSPs.

The Commission should adopt a similar approach with respect to inside wiring. Rather than require property owners to be burdened with numerous contracts and duplicative inside wiring, the Commission should mandate the unbundling of inside wiring in order to permit tenants to access the TSP of their choice.

The use of a single or limited number of backbone systems conserves scarce building telecommunications spaces. Proper design of such systems can accommodate both traditional and enhanced telecommunications services. Making the systems available to multiple TSPs at non-discriminatory terms and fees will create a competitively neutral path for signals between TSPs and tenants. For a TSP eager to engage in service-based competition, access to tenants upon reasonable terms and conditions is critical, while owning the wiring is not.[4]

[4] Ultimately the owner will decide on the extent and type of communications facilities installed in the building. While typically an owner wants high-quality service in order to attract tenants, the owner should not be compelled to provide any particular level of service. Tenants need not rent space if the building's infrastructure does not meet their needs.

2. TSPs can use Either Unbundled Facilities Owned by a TSP or Facilities Owned by the Building to Provide Services

Telecommunications facilities in buildings are owned or controlled by one of two parties: a TSP or the building owner (or its representative). The Commission can meet its goals for local competition within multi-tenant buildings by promoting service-based competition on either type of facility.

a. Both ILEC and Competitive TSP Wires in a Building can be made Available to all Other TSPs Seeking Access to Tenants

A competitor who owns and controls a link in the distribution chain of a valuable commodity for which a competitor has no economic alternative should be required to provide access to others over that link. Likewise, because there are physical and economic restraints on the number of telecommunications systems that can be supported in a building, any TSP that installs a such system in a building should be required to allow all other TSPs to use that system under reasonable terms to deliver its own services to its customers in the building.

The Commission touches on this issue in its Notice when it seeks comment on the potential treatment of in-building cable and wiring by an ILEC as an unbundled network element under §251(c)(3) of the 1996 Act. Unbundling the ILEC's inside wire would make it available to competitors at tariffed rates, thereby ensuring service-based competition in multi-tenant building.

While unbundling ILEC inside wire will help open the doors to service-based competition in some buildings, it will not be the answer in all buildings. ILEC inside wire in older buildings may be so antiquated or congested that it is no longer usable. Likewise, in buildings where ILEC's have established the network demarcation at the

MPOE in accordance with Commission rules, such as in California and Illinois, the ILEC no longer controls the inside wires and, therefore, cannot make them available for use by other TSPs. Thus, the Commission should apply these rules to all TSPs, not just the ILEC.

The Commission's regulatory authority over TSPs is clearly sufficient to require each TSP that owns or controls inside wires (both voice-grade and high-speed copper and fiber) within a multi-tenant building to provide access to all TSPs under fair, reasonable, and non-discriminatory terms. The Commission also has jurisdiction to issue guidelines about what kinds of user fees and terms would be reasonable, and to resolve disputes between TSPs in those instances where agreement cannot be reached.

The TSPs that invest in the facilities can earn a return on their investment by charging user fees to TSPs using the facility, but cannot overprice their telecommunications services by restricting access within the building and insulating their services from the discipline of competition.

There is no need for the Commission to regulate building owners. Indeed, economic and market forces in the commercial and multi-residential rental real estate markets today present more than ample incentives for building owners to provide tenants with ready access to high-quality and reasonably priced telecommunications services. With this record of success, the Commission should continue to allow building owners the latitude to manage their telecommunications resources, along with other building assets, for the overall benefit of the tenants.

b. Building Owners can make a Neutrally Managed Platform Available to TSPs by Installing a CDS or Declaring MPOE

Some building owners (or a third party under the direction of the owner) have chosen to install, own, operate, and manage an independent communications distribution system ("CDS") within multi-tenant buildings, or to take control of an existing CDS (as in California, where PacBell established the network demarcation point at the MPOE and gave control of its inside wires to the building owner), as described in the attached *Technical Report*. By doing this, the owner can ensure that the system meets the needs of all tenants, is designed and installed to make the best use of constrained space, and is operated in a fair and non-discriminatory manner by a neutral party (i.e. not by a competing TSP). Again, as discussed in the attached *Technical Report,* this approach has resulted in a telecommunications environment that meets or exceeds the level of competition that the Commission hopes will develop for tenants everywhere.

A comprehensive cable management plan allows the building owner to assign copper pairs to TSPs and tenants upon request, with the assurance that the connections can be made quickly and easily. This system reduces the labor required by the TSP and charged to the end user. Such management also minimizes traffic in the telecommunications closets and the main cross-connect room, thereby enhancing the integrity and security of the tenants' and building's telecommunications systems, maximizing the use of the infrastructure, and minimizing capital investment. A pro-active cable management system allows the building owner to maximize the number of TSPs that can be supported in the building. This would also meet the Commission's goal of increasing local exchange competition in multi-tenant buildings to benefit tenants.

In the context of ensuring that tenants have access to their choice of TSPs, the Commission seeks comments relating to FCC Rule Part 68.3. The Commission adopted Part 68.3 with the intent of, among other things, making it easier for competing TSPs to gain access to tenants by using the ILEC-installed inside wiring. Part 68.3 allows building owners the right to establish the network demarcation point at the MPOE and assume control of ILEC inside wire. These MPOE rules are another action that the Commission has taken to help promote services-based competition.

In order for MPOE to be an effective tool, however, the Commission should clarify owners' right to declare MPOE without encountering unreasonable delays, terms, fees, or other roadblocks by the ILECs. Specifically, in those states where the ILEC has not made it standard practice to establish the network demarcation point at the MPOE, it has been virtually impossible for a building owner to do so under the rules. For example, several of the Joint Commenters have attempted to declare MPOE with respect to thirty-three specific buildings in thirteen different states and with seven different ILECs. The ILECs rebuffed them each time, as discussed in the *Technical Report.*

In addition, the demarcation point should be for all types of inside wiring, not just voice-grade copper cable. Technologies are converging in ways that require harmonization of rules. In building after building, local, long distance, Internet, data, and cable television services are becoming virtually indistinguishable in terms of physical requirements and signal delivery capabilities. The demarcation point should also apply to all TSPs, not just to ILECs. It makes little sense to place the ILEC's demarcation point at the MPOE if other TSPs are unilaterally permitted to install and operate their own cable plants throughout a building.

C. TSPs Should not be Allowed to Demand Exclusive Agreements for the Purpose of Excluding other Carriers

The Notice asks a number of questions regarding the appropriateness of exclusive agreements between building owners and TSPs. The Joint Commenters agree that in general, broadly written exclusive contracts are not desirable. While the granting of limited exclusive rights may be appropriate in certain circumstances (such as for a particular service, for a limited period of time, or for marketing support), we recognize that exclusive TSP agreements may inhibit tenant choice of services and TSPs. Accordingly, given today's market conditions, building owners rarely grant TSPs exclusive rights to provide services in buildings. However, the building owner should be allowed to determine when an exclusive agreement might be appropriate to ensure that tenants in the building have access to competitive telecommunications services.

Exclusive agreements may be appropriate where there is grant of exclusive rights to provide only a very limited scope of services. For example, shared tenant service ("STS") providers often claim that such services, while extremely valuable to some tenants, have limited appeal and require a significant capital investment. As a result, most buildings may not be able to support multiple STS providers. Therefore, in order to give tenants the option of selecting an STS provider, the owner may need to grant that provider exclusive rights.

Another area where exclusive (or semi-exclusive) agreements are appropriate is where the building owner provides marketing support to the TSP. Marketing support may be as passive as providing the TSP with tenant names or as active as distributing marketing information and hosting presentations by TSPs. In these instances, the owner is closely aligning itself with the TSP and the TSP's services, almost to the extent of

creating a partnership. This kind of exclusive agreement should always be permitted. A building owner should not be required to actively support the sales effort of one TSP simply because it does so with another TSP. Who an owner chooses to align itself with should be left solely to the discretion of the owner. Moreover, exclusive marketing agreements do not inhibit a tenant's ability to choose among competitive TSPs.

Further, in various instances, TSPs refuse to provide services in certain buildings—particularly in smaller or suburban buildings—unless the owner grants some form of exclusive rights. While this practice was more prevalent before the 1996 Act, some TSPs still claim that exclusivity is necessary to entice them to build their networks out to a building, or in order for them to recover their costs of providing service in these buildings. Given the difficulty in bringing competitive TSPs to some buildings, building owners seeking to provide their tenants with competitive services face a difficult choice when TSPs make such demands.

Other than preventing TSPs from demanding unlimited exclusive agreements for the purpose of excluding other providers, there is little action that the Commission must take with regard to this issue. As discussed throughout this document, building owners have a strong economic incentive to meet the needs of their tenants. Again, in today's market, it is the rare exception where the building owner will agree to long-term exclusive contracts with TSPs. However, such a decision lies properly with the building owner, and not with the Commission, for every situation is different and the building owner is in the best position to balance the competing needs in order to offer to its tenants the best telecommunications services available.

D. Utilities do not Have Surplus Rights-of-Way in Buildings

In the Notice, the Commission considers whether TSPs can use the "rights-of-way" of other utilities, pursuant to §224 of the 1996 Act, in order to gain pathway space rights to install their facilities. In addition to the myriad of legal issues this extension of rights would raise (which are being addressed by other parties, including BOMA), this will simply not be a practical solution.

First, utilities in multi-tenant buildings generally do not own or control surplus rights-of-way. Some, in fact, do not own or control any rights-of-way. For example, in many circumstances, electric distribution lines are not owned by the electric utility, but rather are part of the internal infrastructure of the building. To the extent that the electric utility or gas company does own its own wires or pipes in the building, its rights-of-way generally are limited to the space actually needed and/or to their specific utility functions. These companies do not have rights to any additional space that could be useful to a TSP. Even the ILECs that still own the inside wiring in a building lack the right to install additional equipment or cabling without the building owner's permission. Thus, even if competitive TSPs had the right to use the rights-of-way of utilities, in most cases such rights would not provide them with any greater access than that obtained with the owner's permission.

Use of existing rights-of-way can also cause significant safety problems in the buildings. Allowing competitive TSPs indiscriminate use of existing rights-of-way in buildings will take away building owners' ability to balance the competing tenant needs in a building. For example, surplus electric rights-of way may be necessary to accommodate the future power needs of tenants. If these spaces are filled by TSPs that

are providing duplicative telecommunications services, some tenants may be left without enough electricity.

In any event, §224 of the 1996 Act relates solely to pole attachments owned and controlled by "utilities." As defined by the 1996 Act, "utility" is explicitly confined to local exchange carriers, electric, gas, water, steam, and other public utilities, and does not include multi-tenant building owners, managers, and agents.

E. Building Owners Should be Allowed to Charge TSPs with Facilities in the Building for Space, Access, or Opportunity

TSPs (including ILECs) that seek a point of presence in a building take up valuable floor, riser, rooftop, and pathway space and place additional burdens on the building, including increased security risks and general maintenance costs. Building owners should not be forced to subsidize TSPs by providing free or low-cost space, access or opportunity in the building. Accordingly, it is appropriate for building owners to charge market-negotiated fees to TSPs that require a point of presence in the building.

As in any other real estate transaction, the fees charged to a TSP should reflect the fair market value of the space, access, or opportunity granted to the TSP. Given the significant market pressures on both the TSP and the building owner to have TSPs provide competitive services to tenants, the fair market value of the opportunity can be determined through negotiation between the TSP and the owner. There is no reason to treat TSPs any differently than another tenant or service provider in the building.

Some TSPs argue that if they are required to pay fees at all, fees should be set at a certain amount. Some suggest that fees should be based upon the floor space they are using in an equipment room. Some suggest fees should be based upon the size or height of the building. Still others suggest that the amount should be based upon a share of the

revenue that the TSP is receiving in the building. As discussed previously, however, each building and the opportunities it presents are unique. There simply is not a one-size-fits-all formula for determining a fair market price for space, access, or opportunity. What may be appropriate in one building with one TSP may not be suitable in another building with another TSP.

The essence of the 1996 Act is to allow telecommunications competition to flourish. It is built upon the foundation that competition will drive the quality of service and the price for those services. Building owners should not be denied the very principles that underlie the 1996 Act—that market forces will drive a competitive environment. Here, the fees that TSPs should pay for space, access, or opportunity in multi-tenant buildings should be established through market forces, not through unnecessary regulation in an industry that has already demonstrated its responsiveness to the marketplace.

RECOMMENDATIONS

This proceeding provides an opportunity for the Commission to clarify and emphasize its policies favoring the rapid development of competition in local telecommunications markets. Unfortunately, some of the factors that limit the pace of development are not susceptible to regulatory solutions. For instance, it is difficult by rulemaking to increase riser or rooftop space or to enhance TSP interest in wiring smaller, less profitable buildings. The Commission can, however, take certain targeted actions that will greatly benefit local competition now and in the future.

First, we request the Commission to recognize the physical and practical limitations for facilities-based competition and the need to manage such competition for the benefit of tenants, not TSPs. Concurrently, we request the Commission to emphasize that it desires greater local competition in terms of quality, variety, reliability, and price of the telecommunications services, not in terms of a competitive scramble to own and control facilities within buildings so one TSP can restrict or discourage access by its competitors.

Second, we request the Commission to recognize the prominent role to be played by building owners and managers in the management of limited telecommunications space within multi-tenant buildings, including the ability to condition and limit the deployment of TSP facilities and to choose to own and operate a CDS.

Third, we urge the Commission to require all regulated TSPs owning or controlling telecommunications facilities within multi-tenant buildings to provide access to tenants by competing TSPs over available capacity on those facilities. The

Commission could issue guidelines on appropriate fees and terms for access agreements, and be available to resolve disputes between TSPs.

Fourth, we request the Commission to allow building owners to limit the number of TSPs that install wiring in a building, provided that competing TSPs are allowed to use the facilities to access tenants under terms that are not unreasonably discriminatory.

Fifth, we request the Commission, because of limits of its statutory jurisdiction over building owners and in recognition of the market forces that effectively limit the behavior of building owners, to refrain from attempting to require owners to provide space within buildings for any or all TSPs desiring to install facilities, and, when space is licensed to a TSP, regulating the terms and conditions of the license.

Sixth, we request the Commission to clarify its earlier mandates that gives building owners the right to declare MPOE without unreasonable delays, fees, roadblocks, or other non-competitive tactics by ILECs.

Seventh, we request the Commission to require ILECs to enter license agreements with building owners that include essentially the same terms and fees as license agreements between owners and TSPs that compete with the ILECs, and also, when determining whether or not a competitive local environment exists for purposes of allowing an ILEC to enter long-distance markets, consider whether or not the ILEC has entered into such license agreements.

Eighth, we request that the Commission, in requiring utilities to share rights-of-way with TSPs, also recognize that utilities cannot share what they do not own, such as easements that are limited to occupancy solely by the utility.

Finally, we request the Commission to acknowledge the great progress that has been made in buildings owned by the Joint Commenters and others in bringing competitive local telecommunications choices to tenants through good management of the limited telecommunication spaces within multi-tenant buildings.

CONCLUSION

The Joint Commenters, comprised of Cornerstone Properties, Crescent Real Estate, Duke-Weeks Realty, Hines Interests Limited Partnership, Legacy Partners, The Lurie Company, Metropolitan Life Insurance Company, Prentiss Properties, Rudin Management Company, Shorenstein Company, Spieker Properties, and TrizecHahn Office Properties, respectfully ask the Commission to recognize the efforts and the role of building owners in bringing telecommunications competition to their tenants and to take the specific actions outlined in the Recommendations above.

Dated August 27, 1999

/s/

Cornerstone Properties,
Crescent Real Estate,
Duke-Weeks Realty,
Hines Interests Limited Partnership,
Legacy Partners,
The Lurie Company,
Metropolitan Life Insurance Company,
Prentiss Properties,
Rudin Management Company,
Shorenstein Company,
Spieker Properties, and
TrizecHahn Office Properties

c/o Riser Management Systems
200 Church Street
P.O. Box 1264
Burlington, Vermont 05401
(802) 860-5137

These comments are jointly submitted to the Federal Communications Commission by Cornerstone Properties Inc. along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

CORNERSTONE PROPERTIES INC.

By: _____

H. Lee Van Boven
Chief Operating Officer

Date: 8/23/99

These Comments are jointly submitted to the Federal Communications Commission by Crescent Real Estate Equities, Ltd. along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

CRESCENT REAL ESTATE EQUITIES, LTD.,
a Delaware corporation

By: _____
David Dean, Senior Vice President

Date: August 25, 1999

These Comments are jointly submitted to the Federal Communications Commission by Duke-Weeks Realty Corporation along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

DUKE-WEEKS REALTY CORPORATION

By: _____

Thomas L. Hefner
Chairman of the Board and
Chief Executive Officer

Date: 8-27-99

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These Comments are jointly submitted to the Federal Communications Commission by Hines Interests Limited Partnership along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

Hines Interests Limited Partnership

By _____

Steven W. Peterson
Vice President

Date August 25, 1999

These Comments are jointly submitted to the Federal Communications Commission by Legacy Partners Commercial, Inc., along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

LEGACY PARTNERS COMMERCIAL, INC.

By _____

Dale Tate, RPA, Vice President - Operations

Date 8/13/99

These Comments are jointly submitted to the Federal Communications Commission by The Lurie Company along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

The Lurie Company

By _____

H. Michael Kurzman,
Executive Vice-President

Date 06/24/99

These Comments are jointly submitted to the Federal Communications Commission by Metropolitan Life Insurance Company along with the other participants in Building Owners for Telecommunications Competition in WT Docket No. 99-217 and CC Docket No. 96-98.

Metropolitan Life Insurance Company

By _____

John J. Carney
Vice President, Real Estate Investments

Date 8/27/99